

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 89-64-E - ORDER NO. 89-574
JUNE 1, 1989

IN RE: Berkeley Electric Cooperative, Inc.,)	
)	
Petitioner,)	
)	
vs.)	ORDER
)	
South Carolina Electric & Gas Company,)	
)	
Respondent.)	
)	

On May 18, 1989, South Carolina Electric & Gas Company (SCE&G) filed Motions to Compel against the Electric Cooperatives of South Carolina (ECSC), Berkeley Electric Cooperative, Inc. (Berkeley) and Johns Island Citizens for Co-op Power. In the Motion to Compel to the Electric Cooperatives of South Carolina, SCE&G asked ECSC to provide two drafts of a press release dated January 18, 1989. The ECSC in their Notice of Motion and Motion for Protective Order filed May 23, 1989 with the Commission agreed to produce the press releases. The Motion to Compel to the Johns Island Citizens for Co-op Power requested one memorandum relating to the nature and scope of services to be performed by Ferillo, Gregg and Associates. SCE&G's position is that this document is relevant to the issues

involved in this case. The position of the Johns Island Citizens for Co-op Power on this memorandum is that this document contains proprietary information. In the other Motion to Compel, SCE&G asked Berkeley to provide three documents relating to Ferillo, Gregg and Associates. Berkeley claims that the first two documents are proprietary and the third document is not relevant, being a document concerning off peak electric hot water heater usage.

As to all documents requested by SCE&G in its Motion to Compel, except the electric hot water heater usage document, Berkeley and Johns Island Citizens for Co-op Power in their Motion for Protective Order have agreed to produce these documents; however, they move that the documents be protected from disclosure outside this proceeding and be provided in trust to ensure that they are not reproduced. They moved further that SCE&G not use any of the material provided to obtain any commercial or marketing advantage over any party.

The Commission finds that Berkeley Cooperative, Inc., the Electric Cooperatives of South Carolina, and Johns Island Citizens for Co-op Power must provide the documents requested by SCE&G with the exception of the document pertaining to the water heater campaign which is not relevant to this proceeding. These documents are to be provided to the attorneys in trust to ensure that the documents are used for the purposes of the South Carolina Public Service Commission Docket No. 89-64-E proceeding only. The parties shall not use any of the material provided to obtain any commercial or marketing advantage over the other party or to contact any

customers of the other party. The documents produced shall be numbered and marked confidential. The documents shall not be reproduced. At the conclusion of this proceeding or any appeal therefrom, the documents shall be returned to the party producing them.

On May 30, 1989, the ECSC filed with the Commission a Notice of Motion and Motion to Compel in the above-captioned matter concerning certain documents identified as follows:


1. A map of Johns Island.
2. A memorandum dated January 31, 1989.
3. Documents related to proposed developer incentive programs.
4. Undated handwritten notes.
5. Study of community issues.
6. Various maps of Johns Island containing information on potential customers.

It also asked for certain documents that had earlier been designated by SCE&G as protected by the attorney-client privilege. SCE&G in its response to the Motion to Compel has objected to providing the information that it has labeled protected by attorney-client privilege and has also objected to providing the other information sought on the grounds that it is commercially sensitive and confidential information. SCE&G objects to one of the documents as containing specific comments made by community leaders that contains no factual information concerning matters at issue. The Commission finds that the documents requested by ECSC should be provided to the attorneys in trust to ensure that the

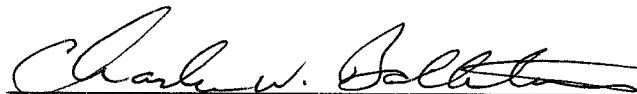
documents are used for the purposes of the South Carolina Public Service Commission Docket No. 89-64-E proceeding only. The parties shall not use any of the material provided to obtain any commercial or marketing advantage over the other party or to contact any customers of the other party. The documents produced shall be numbered and marked confidential. The documents shall not be reproduced. At the conclusion of this proceeding or any appeal therefrom, the document shall be returned to the party producing them. SCE&G does not have to provide the documents it has labeled as protected under the attorney-client privilege.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)